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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	Case No.: 2:24-cr-00355-SPL
)	
Plaintiff,)	DEFENDANT'S REPLY TO
)	GOVERNMENT'S RESPONSE TO
vs.)	DEFENDANT'S MOTION TO
)	SUPPRESS STATEMENTS
Larry Edward Brown, Jr.,)	
)	
Defendant)	
)	

The Government's Response to Defendant's Motion to Suppress Statements (Doc. 50) is replete with factual inconsistencies, information that is not contained in the disclosed reports prepared by the investigating special agents, and which generally make *ad hoc* claims that are simply unsupported by the record. The Government's Response takes broad factual license to

1 paint a picture that refutes Defendant's arguments. Problematically for the
2 Government, however, is that its new narrative contradicts and is incongruous
3 with its reports and other record evidence. For the reasons set forth in this
4 Reply, and to reconcile the significant factual disputes between the parties as
5 to this issue, Defendant replies to the Government's Response and re-urges
6 his request to set an Evidentiary Hearing at the earliest practical opportunity.

7 While the Government's Response benignly suggests that Defendant
8 was taken to SCMC "for evaluation," the medical records disclosed by the
9 Government belie this claim. In fact, those medical records show that
10 Defendant presented to the emergency department "with a chief complaint of
11 emotional shock and anhedonia."¹

12 Further, the Government's Response suggests that SA Hannah located
13 Defendant's supervisor, IRS SSA DeAndre and that thereafter, SA Hannah
14 knocked on the door and asked Defendant's permission to enter. Yet
15 nowhere, in any report written by SA Hannah, did SA Hannah ever mention
16 that she knocked on the door to Defendant's hospital room to obtain consent
17 to enter. In fact, SA Hannah's initial report states that SSA DeAndre was *with*
18 Defendant when she first entered Defendant's hospital room. SA Hannah's
19 initial report also lacks any reference whatsoever to Defendant making any
20 inculpatory statements. Defendant anticipates that SSA DeAndre will testify
21 and confirm the same.

22 Finally, the Government's Response paints a dramatic and histrionic
23 picture of the Defendant "crying and rocking back and forth with his eyes
24

25 ¹ Rather than lodge Defendant's medical records under seal, defense counsel avow the
26 contents of the medical records cited herein with an assurance to the Court that they will be
presented as evidence at a future Evidentiary Hearing.

1 closed” in his hospital bed (Response at 2:25-26). Once again, those critical
2 facts are noticeably absent from any of SA Hannah’s reports.

3 Because the Court will undoubtedly need to hold an Evidentiary
4 Hearing to resolve these disputed issues of fact and credibility, which bear
5 directly on the legal issues presented in Defendant’s Motion to Suppress, the
6 defense opts for brevity in this pleading. Simply put, Defendant contends that
7 he did not make the statements claimed by SA Hannah and that any
8 statements Defendant *could* have made were involuntary in nature.
9 Moreover, any efforts by SA Hannah to surreptitiously monitor Defendant’s
10 conversations while speaking to medical personnel or to his attorney on the
11 phone – something that SA Hannah’s observations and records produced
12 confirmed – were obtained in violation of one or more applicable privileges.

13 Respectfully submitted this 22nd day of October, 2024.

14
15 /s/ Jason D. Lamm

16 Jason D. Lamm

17 /s/ Jeffrey H. Jacobson

18 Jeffrey H. Jacobson

19 Attorneys for Defendant

20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on October 22, 2024, I electronically submitted the
22 foregoing document to the Clerk’s Office using the CM/ECF System for filing
23 and notice will be sent to all parties by operation of the Court’s electronic filing
24 system.

25 /s/ Danielle Oesterle